

**STATE PERSONNEL BOARD, STATE OF COLORADO**  
Case No. 2005G028

---

**ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING**

---

**TIMOTHY BENNETT,**

Complainant,

vs.

**DEPARTMENT OF CORRECTIONS, FORT LYON CORRECTIONAL FACILITY,**

Respondent.

---

This matter is before the Colorado State Personnel Board ("Board") at its regularly scheduled public session held on November 15, 2005. During this public session, the Board considered the Preliminary Recommendation of the Administrative Law Judge

Based upon the Board's review and consideration,

IT IS HEREBY ORDERED that the Preliminary Recommendation of the Administrative Law Judge be adopted, and that the petition for hearing be **DENIED**.

Dated this \_\_\_\_\_ day of  
November, 2005.

---

John Zakhem, Board Chair  
State Personnel Board  
633 17th Street, Suite 1320  
Denver, Colorado 80202-3604

### **NOTICE OF APPEAL**

Each party has the following rights:

1. To abide by the decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4-106(11), C.R.S., as provided in Section 24-50-125.4(3), C.R.S.

In the event the decision is appealed, pursuant to Section 24-4-106(11)(b), C.R.S., the party filing the appeal with the Court of Appeals must serve the State Personnel Board with a copy of the Notice of Appeal at: 633 17th Street, Suite 1320, Denver, Colorado 80202-3604. In addition to serving the State Personnel Board with a copy of the Notice of Appeal, the party filing the appeal with the Court of Appeals must name the State Personnel Board as a party (appellee) to the appeal. Section 24-4-106(11)(d), C.R.S.

### **CERTIFICATE OF MAILING**

This is to certify that on the \_\_\_\_\_ day of November, 2005, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD DENYING PETITION FOR HEARING** in the United States mail, postage prepaid, addressed as follows:

William S. Finger  
Mark W. Gerganoff  
Frank & Finger, P.C.  
P. O. Box 1477  
29025D Upper Bear Creek Drive  
Evergreen, Colorado 80437-1477

and in the interagency mail to:

Vincent Morscher  
Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, Colorado 80203

---